

REMARKS**A. Amendment to the Claims**

Claims 1–15 are amended herein. Claims 1–15 are to remain pending following entry of this amendment.

B. Drawings

In Office Action Summary on the first page of the Office action of 19 May 2010 (the “Office Action”), the examiner indicates that the drawings filed on 13 February 2006 are objected to by the examiner. (Office Action at 1.) The examiner does not indicate, however, which drawings are objectionable or the nature of the objections. Clarification of this objection is therefore respectfully requested.

C. Claim Objections

The examiner objects to claims 7–10 and 12–15 under 37 CFR 1.75(c), asserting that these claims are in improper form. (Office Action at 2.) It is respectfully submitted that this objection is moot in view of the amendments herein, and reconsideration and withdrawal of this objection are therefore respectfully requested.

D. 35 U.S.C. § 112

The examiner rejects claims 1–15 under 35 U.S.C. § 112, second paragraph, as vague and indefinite. (Office Action at 2.)

The examiner rejects claim 1, referring the recitation of “a ‘continuous partial area’ of the ‘heating plate’”. (Office Action at 2.) It is respectfully submitted, however, that these limitations are clear when read in light of the specification.

According to embodiments of the invention, a heating element (*e.g.*, Fig. 1, ref. 10) may comprise a base (20) and two heating plates (60 and 80). (¶¶ 0043–44.) A heating plate may be connected to the base in the vicinity of a borehole (24) by a fastener (40). (¶ 0044.) The fastener includes a flange in contact with the heating plate that

attaches the heating plate to the base by pushing the heating plate against the base.

(¶ 0045.)

It will be appreciated that, if the area of the flanged portion of the fastener is smaller than the area of the associated heating plate, then the faster will exert the attachment force over only a partial area of the heating plate. It will further be appreciated that, if the fastener has only a single flanged portion (*e.g.*, as Figs. 1–3 depict), then the area of attachment will be continuous, corresponding to the area of the flange. In view of the preceding disclosure, it is respectfully submitted that the references to a “continuous partial area” and a “heating plate” are definite as used in the claims, and reconsideration and withdrawal of this rejection are therefore respectfully requested.

The examiner rejects claim 2, asserting that the limitation relating to “the expansion of the continuous partial area” is unclear. In view of the foregoing, however, it is respectfully submitted that the expansion of the continuous partial area in claim 2 is not expansion of the base or the plate, but expansion of the area of attachment between the plate and the base. It is further submitted that the claim limitation refers to the relationship between the expansion of this area of attachment and the expansion of the plate, when considered along a single dimension. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

It is respectfully submitted that the remaining rejections under section 112 are moot in view of the amendments herein, and reconsideration and withdrawal of these rejections are therefore respectfully requested.

E. 35 U.S.C. § 102

The examiner rejects claims 1–5 under 35 U.S.C. § 102(b) as anticipated by German patent document DE 200 06 891 U1 by Buhl. (Office Action at 3.) For Buhl to anticipate any claim, however, every element as set forth in the claim must be found, either expressly or inherently described, in that reference. MPEP § 2131 (8th ed. [R-7] 2008). Anticipation requires further that the elements in Buhl be arranged as the claim specifies. *Id.*

It is respectfully submitted that Buhl fails to anticipate claim 1. Specifically, it is respectfully submitted that Buhl fails to teach or suggest an external area of the at least one heating plate in which the at least one heating plate is not attached to the base, as in claim 1. To the contrary, Buhl indicates only heating plates that are arranged in recesses in the body of the heating elements (*e.g.*, Figs. 2d and 3d) or heating plates that are bonded around their perimeters to the body (*e.g.*, references to “circumferential frame sealing” in machine translations of pages 3 and 4 of Buhl). Although some embodiments that Buhl discusses may include central boreholes (Figs. 2–4), nothing teaches or suggest use of such boreholes to attach heating plates to bases, *e.g.*, with a flanged fastener. It is respectfully submitted that, given the relative configurations of Buhl’s heating plates and bases, there can be no “external area” of the heating plate in which the plate is not joined to the base, as claim 1 claims.

It is therefore respectfully submitted that fails to teach or suggest all limitations of claim 1 and that claim 1 is therefore allowable over the cited reference. Claims 2–15 each depend directly or indirectly on independent claim 1, and it is therefore submitted that these claims are allowable at least because they include allowable subject matter.

F. Conclusion

For the foregoing reasons, the applicant therefore respectfully requests that the examiner withdraw all objections and rejections and allow the claims. Since each dependent claim is also deemed to define an additional aspect of the invention, the individual reconsideration of the patentability of each on its own merits is respectfully requested even though, for reasons of brevity, such patentability is not separately argued herein. The applicant reserves the right to rely on and argue patentability of the subject matter of the dependent claims in this or another proceeding.

Also in the interests of brevity, this response does not comment on each and every comment made by the examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and the applicant reserves the right to address such comments.

To expedite prosecution of this application, the examiner is invited to call the applicant's undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

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